

Message

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Sent: 11/13/2012 3:28:10 PM
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Subject: Fw: NEWS UPDATES: EPA Seeks Novel, Second Review Of Controversial Bristol Bay Risk Assessment (Inside EPA)

FYI....

EPA Seeks Novel, Second Review Of Controversial Bristol Bay Risk Assessment
Posted: November 12, 2012

EPA says it plans to seek a second review of its controversial draft assessment of potential hard rock mining impacts on the Bristol Bay watershed after it has revised the document to reflect a series of recommendations from a just-released peer review panel report, a process that marks a shift away from how the agency has handled assessment reviews in the past.

The agency, in a statement on its website Nov. 9, says it will "carefully consider the comments and suggestions provided by the peer reviewers," and following those revisions, "convene a group of qualified experts to review the revised draft assessment in light of the issues raised by the peer reviewers. The final Bristol Bay Assessment will reflect this further expert review and be accompanied by EPA's point-by-point response to the peer reviewers' comments as well as public comments."

EPA Nov. 9 released the peer review panel's report of its review of the agency's "An Assessment of Potential Mining Impacts on Salmon Ecosystems of Bristol Bay, Alaska," which reflects their deliberations from a three-day meeting in August. The report is available on InsideEPA.com. See page for 2 details. (Doc ID: 2415958)

The assessment, which was completed under EPA's Clean Water Act Section 404 authority, reviews the possible impacts of large-scale hard rock mining in Alaska's Bristol Bay -- a situation largely based on the proposed Pebble Mine -- on native salmon fisheries. While the assessment has been lauded by environmentalists for its scope and forethought, industry, including the Pebble Limited Partnership -- the group behind the Pebble Mine -- has argued that the document does not present a realistic picture and only predicts a worst-case scenario (Risk Policy Report, Aug. 14).

In its report, the panel recommends the agency clarify the scope of the assessment, including intended audience and geographic scope; consider a broader range of mine scenarios; incorporate mitigation measures and mining best management practices since "anything less may not be permitted"; emphasize how monitoring of waste and tailing sites from a mine in the watershed should be monitored in perpetuity; explain why the scope of the assessment is limited to fish-mediated impacts and their effects on Alaskan Native cultures; explain the interconnectedness of ground and surface water; explain how contaminants of concern were selected; and provide consistent level of detail for all facets of the assessment, among other things. EPA on its website, says it has already begun making some of the changes based on the panel's key findings.

However, the panel was not required to reach a consensus in its report, with the bulk of the document comprising individual reviewer's comments. As a result, parties on all sides of the issue are using individual remarks to make their case for the validity of the assessment and in turn the proposed mine.

In a Nov. 9 statement, the Pebble Partnership argues that the report "seems to confirm fundamental flaws of the agency's draft Bristol Bay Watershed Assessment (DBBWA)."

"While we continue to review the report from the peer review panel, it's immediately obvious that the peer review panel supports many of our concerns about the EPA's hypothetical mine scenario and that the assessment should not be used as a basis to circumvent the well-established permitting process," John Shively, head of the Pebble Partnership said in the statement. "The reviewers criticized EPA's unrealistic and overly pessimistic assumptions, and told the agency to take the time it needs to fix the report."

In particular, the group notes the reviewers' comments on the assessment's "lack of mitigation efforts and 21st century mining practices, especially the reliance on 'good' instead of 'best' practices, are particularly troublesome." The partnership highlights comments from reviewer Steve Buckley, who said, "There is insufficient discussion of any potential mitigation measures and there is a lack of any detailed research into applicable engineering and mitigation methods."

Alaska's Sen. Lisa Murkowski (R) raised similar concerns in a Nov. 9 statement. "The peer review panel's recommendations make it clear that the EPA has a lot of work left to do if the goal is to issue a scientifically-sound document," Murkowski said. "I remain concerned that the agency has chosen to evaluate a hypothetical mine that does not reflect modern mining practices."

Environmental groups, however, are pointing to individual comments in the report that they say shows the assessment's conclusions that mining would have considerable impact on salmon fisheries are sound, if not understated.

"If anything, EPA's draft Watershed Assessment actually underestimated risk," wrote Taryn Kiekow of the Natural Resources Defense Council in a Nov. 9 blog post. "As one reviewer noted, "[g]iven the extremely long-term nature of the projected Pebble project, and the irreversible changes which would be imposed to the region, the risks seem, if anything, understated."

Kiekow further pointed to other comments from reviewers that she said back concerns that EPA's assessment is "unrealistically conservative," failing to take into account such factors as climate change and the need to perform monitoring of the site in perpetuity. All told, the reviewers painted a negative picture of the effects of mining in Bristol Bay, Kiekow added. "As one reviewer commented: ' . . . make no mistake, we cannot have both mining and productive salmon stocks in the Bristol Bay watershed'"